

PROBABLE CAUSE STATEMENT

On April 21, 2008, a United States Border Patrol Agent apprehended the defendant, **Ulises CRUZ-Espindola (AKA: Ulises AROAZ-Espindola)**, for illegal entry into the United States near Otay Mesa, California. The defendant was subsequently booked into county jail for violation of section 1203.2 of the California Penal Code: "Violation of Probation". The agent placed a Form I-247 (Immigration Detainer) pending his release from local custody.

On August 7, 2008, the defendant was referred from county jail to the custody of United States Immigration and Customs Enforcement (ICE) at San Diego, California. Immigration computer database records' checks identified him as a national of Mexico having been previously deported from the United States to Mexico by an Immigration Judge on or about March 17, 2005, and removed to Mexico on March 17, 2005, via the San Ysidro, California port of entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System (IDENT) was utilized and compared the defendant's fingerprints to those contained in this database. The results confirmed his identity as Ulises CRUZ-Espindola, a citizen and national of Mexico.

The defendant was admonished as to his rights per Miranda, acknowledged those rights, and elected to answer questions without counsel present. The defendant stated his true name was Ulises AROAZ-Espindola but acknowledged having used Ulises CRUZ-Espindola in the past. He further stated he is a citizen of Mexico by birth in Veracruz, Mexico and he has not applied to obtain documents nor is he in possession of documents entitling him to enter or reside in the United States lawfully. He also admitted he did not apply for a waiver of removal or deportation to re-enter the United States.